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TO: UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 2186

NAME: Pierre M. Bataille

FAX NO.: 703-872-9306

SERIAL NO.: 09/546,312

OUR FILE NO.: 99-089-TAP (STK 99089 PUS)

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Thomas W. Saur, Reg No 45,075  
Typed or Printed Name of Attorney/Agent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 20 2004

In re application of:

Group Art Unit: 2186

Robert Barry Wood

Examiner: Bataille, Pierre Miche

Serial No.: 09/546,312

Filed: April 10, 2000

For: SYSTEM AND METHOD FOR VIRTUAL TAPE VOLUMES

Attorney Docket No.: 99-089-TAP

**SUPPLEMENTAL COMMUNICATION AFTER  
ALLOWANCE UNDER 37 C.F.R. § 1.312**

Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

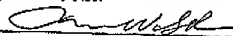
A first Notice of Allowability mailed September 22, 2003 for the above-identified application indicated that of the claims pending in the application, those which were identified as allowed were claims 1, 3-8 and 15-20. However, the claims pending in the application are claims 1, 5-10 and 15-20. In that regard, on November 10, 2003, Applicant submitted a Communication After Allowance Under 37 C.F.R. § 1.312 which requested a new Notice of Allowability indicating that claims 1, 5-10 and 15-20 are allowed, and that the due date for payment of the Issue and Publication Fees be reset from the initial due date of December 22, 2003 date to a date three months from the mailing of such a supplemental Notice of Allowability.

**CERTIFICATE OF FACSIMILE TRANSMISSION AND MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703) 746-7239) addressed to: Attn. Examiner Pierre M. Bataille at Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

January 20, 2004  
Date of Deposit

Thomas W. Saug  
Name of Person Signing

  
Signature

S/N: 09/546,312

Atty Dkt No. 99-089-TAP

Further, in response to a telephone message received from the Examiner on December 11, 2003, a facsimile was sent to the Examiner on December 12, 2003 requesting that the Examiner issue a supplemental notice of allowance indicating that claims 1, 5-10 and 15-20 are allowed and which re-starts the due date for payment of the issue and publication fees to a date three months from the mailing of the supplemental notice of allowance.

Applicant received a Notice of Allowability dated December 15, 2003 which properly indicated the allowed claims 1, 5-10 and 15-20. However, the response failed to include a Notice of Allowance and Fee(s) Due and Determination of Patent Term Extension under 35 U.S.C. 154(b) (Form PTOL-85). As such, the response was incomplete in that the response failed to provide the documentation requested regarding a new due date for payment of the issue and publication fees, and new determination of patent term extension. In any case, Applicant did not paid the issue fee on or before December 22, 2003 since doing so would have triggered the printing and issuance of a incorrect patent document as best known to the Applicant at the time the issue fee was initially due.

S/N: 09/546,312

Atty Dkt No. 99-039-TAP

For the foregoing reasons, the Applicant respectfully requests issuance of yet another new supplemental Notice of Allowability, and that the new supplemental Notice of Allowability include a new a Notice of Allowance and Fee(s) Due and Determination of Patent Term Extension under 35 U.S.C. 154(b) (Form PTOL-85) thereby re-setting the due date for payment of the Issue and Publication Fees to a date three months from the mailing of such documents. Further, Applicant respectfully requests that the Examiner take steps to ensure that a Holding of Abandonment of the application be held in abeyance or withdrawn since the payment of the issue fee was withheld due to circumstances under the purvey of the Patent and Trademark Office and not through the fault of the Applicant.

Respectfully submitted,

**Robert Barry Wood**

By 

Thomas W. Saur

Reg. No. 45,075

Attorney for Applicant

Date: January 20, 2004

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